

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MISSOURI

MINUTES OF CIVIL JURY/NON JURY TRIAL

Presiding Judicial Official JCH Date 2/11/10 Trial Day 9 Case No. 4:07cv270JCH

SEC vs. Gerhardt et al

Parties present for: JURY TRIAL NON JURY TRIAL

COURT REPORTER: D. Kriegshauser

Attorney(s) for Plaintiff(s) R. Moye, J. Polish

Attorney(s) for Defendant(s) S. Gasner, J. Martin

Jury impaneled and sworn.

Opening Statements of Plaintiff and Defendant made.

☒ Plaintiff's evidence commenced, ☒ resumed ☒ and ☐ but not ☒ concluded.

Defendant's evidence commenced ☐ resumed ☐ and ☐ but not concluded.

☐ Plaintiff(s) evidence in rebuttal ☐ commenced ☐ resumed ☐ and ☐ but not ☐ concluded.

☐ Defendant(s) evidence in surrebuttal ☐ commenced ☐ resumed ☐ and ☐ but not ☐ concluded.

☐ Oral ☐ Written Motion for Judgment as a Matter of Law at the close of plttf's case

☒ filed ☒ ~~made~~/argued by ☒ plttf(s) ☒ ~~deft~~(s) ☐ and is ☐ Overruled/Denied ☐ Sustained ☒

Court's ruling reserved ☒ taken under submission ☐ taken with the case. until 2/12/10

☐ Closing Arguments of counsel made. ☐ Case taken under advisement.

☐ (Simultaneous) briefs due \_\_\_\_\_ ☐ Case is settled. Dismissal papers due \_\_\_\_\_.

☐ Jury charged and retires to consider its verdict(s) at \_\_\_\_ am/pm ☐ Verdict returned at \_\_\_\_\_ am/pm

☐ Jury having been given a special verdict in the form of written interrogatories for finding of fact, retires to consider its verdict(s) at \_\_\_\_ am/pm ☐ Verdict(s) returned at \_\_\_\_ am/pm

☐ Jury unable to agree upon its verdict(s) by \_\_\_\_ am/pm is excused to resume deliberations \_\_\_\_\_ at \_\_\_\_ am/pm ☐ The Court declares a MISTRIAL. ☐ Trial is reset \_\_\_\_\_.

☐ On motion of ☐ plaintiff ☐ defendant ☐ Court the jury is polled.

☒ Proceedings to continue 2/12 at 9:00 am/pm

☐ Judgment is entered accordingly this date.

PROCEEDINGS COMMENCED 9:20 CONCLUDED: 4:30

12:20 — 1:40 Lunch